

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

NATIONAL STABILIZATION :  
AGREEMENT OF SHEET METAL :  
INDUSTRY TRUST FUND, *et al.*, : Case No. 2:04-mc-74  
  
Plaintiffs, :  
  
v. : Magistrate Judge Abel  
  
AIR BALANCE ASSOCIATION OF :  
OHIO a/k/a AIR BALANCE :  
ASSOCIATES, INC., :  
  
Defendant.

**ORDER**

This matter is before the Magistrate Judge on Plaintiff/Judgment Creditor National Stabilization Agreement of Sheet Metal Industry Trust Fund's June 24, 2005 unopposed motion for order to show cause why individuals should not be found in contempt (doc. 15). Plaintiff is asking this court to order Mike Jones and Julie Jones to appear and show cause why they should not be held in contempt because they failed to appear for depositions and did not produce documents pursuant to subpoenas duces tecum.

Notice to take the depositions of Mike Jones and Julie Jones was filed on May 20, 2005 (doc. 12). The notice shows that the depositions were scheduled for June 14, 2005 at 9:00 a.m. at offices of Shumaker, Loop & Kendrick, LLP, 41 South High Street, Columbus, Ohio 43215. Plaintiff has attached copies of the return of service for each subpoena served on Mike and Julie Jones. Plaintiff's motion states that witness fees

were served upon Mike and Julie Jones on May 27, 2005. Plaintiff has attached transcripts from June 14, 2005 that evidences that Plaintiff waited until at least 9:30 a.m. for Mike and Julie Jones to appear but they did not do so. Accordingly, Plaintiff/Judgment Creditor National Stabilization Agreement of Sheet Metal Industry Trust Fund's June 24, 2005 unopposed motion for order to show cause why individuals should not be found in contempt (doc. 15) is **GRANTED**. Mike Jones and Julie Jones are **ORDERED** to **APPEAR** on **October 24, 2005 at 9:30 a.m.** before United States Magistrate Judge Mark R. Abel in courtroom 220 to **SHOW CAUSE** why they should not be held in contempt for their failure to appear for depositions and to comply with the subpoenas duces tecum.

/s/ Mark R. Abel  
United States Magistrate Judge